

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DIANE M. JONES,	*	C.A. No. 08-308
	*	
Plaintiff,	*	
	*	TRIAL BY JURY DEMANDED
v.	*	
	*	
CHARMING SHOPPES, INC.,	*	
a Pennsylvania corporation;	*	
CHARMING SHOPPES OF	*	
DELAWARE, INC., a	*	
Pennsylvania corporation;	*	
and LANE BRYANT (DELAWARE)	*	
CORPORATION, a Delaware	*	
corporation,	*	
	*	
Defendants.	*	

Pursuant to Rule 4(h), now to-wit, this 3rd day of June A.D. 2008, comes the Plaintiff by his attorneys, Schmittinger and Rodriguez, P.A., and amends the Complaint in the above-captioned case by adding thereto the following:

BE IT REMEMBERED, that on this 3rd day of June A.D. 2008, personally came before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Noel E. Primos, attorney for the Plaintiff, who being sworn according to law, did depose and say as follows:

1. That to the best of his knowledge, the Defendants are nonresidents of the State of Delaware whose names and addresses are as follows:

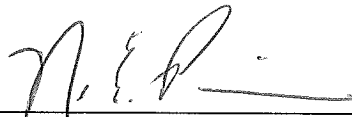
Charming Shoppes, Inc., 450 Winks Lane, Bensalem, Pennsylvania 19020, and Charming Shoppes of Delaware, Inc., 450 Winks Lane, Bensalem, Pennsylvania 19020.

2. That on May 23, 2008, the Complaint in the above-captioned case was filed.
3. That on May 28, 2008, W. Scott Masche e-filed the return of service documents showing service upon Defendants by serving the Secretary of State of the State of Delaware, copies of which returns are attached hereto as Exhibit "A".
4. That on May 28, 2008, he, the said Noel E. Primos, caused the Notices and copies of the Complaint, Civil Cover Sheet, and Summons, copies of which are attached hereto as Exhibit "B", to be mailed by registered mail (registered number RR 442 564 701 US and RR 442 564 715 US) return receipts requested to the following named Defendants:

Charming Shoppes, Inc. and Charming Shoppes of Delaware, Inc.
5. That on June 2, 2008, he, Noel E. Primos, received from the postal authority the return receipts signed by Steve Weiss, agent for named Defendants: Charming Shoppes, Inc. And Charming Shoppes of Delaware, Inc. The said receipts are attached hereto as Exhibit "C".
6. That the said receipts have the same registered numbers, to-wit:

RR 442 564 701 US and RR 442 564 715 US, as the receipts received at the time of the mailing of the said Notices, attached hereto as Exhibit "D".

SCHMITTINGER & RODRIGUEZ, P.A.

BY: 

NOEL E. PRIMOS
Bar I.D. #3124
414 S. State Street
P.O. Box 497
Dover, DE 19903
(302) 674-0140
Attorney for Plaintiff

DATED: 6-3-08

SWORN TO AND SUBSCRIBED before me the day and year aforesaid.

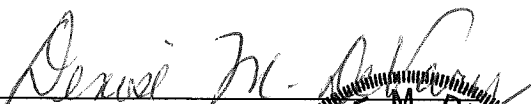

NOTARY PUBLIC



EXHIBIT A

RETURN OF SERVICE

Service of the Summons and complaint was made by me⁽¹⁾

DATE

5/27/08

NAME OF SERVER (PRINT)

Harold K. Brode

TITLE

INVESTIGATOR

(Schmittinger
Rodriguez
LAW FIRM)

Check one box below to indicate appropriate method of service

Served personally upon the defendant. Place where served:

OFFICE OF THE SEC. OF STATE

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

Kyle Pritchard
(Corp. Assistant)
SEC OF STATE

Returned unexecuted:

Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on:

5/27/08

Date

Signature of Server

Harold K. Brode
414 South State Street
DOVER DE 19901

Address of Server

302/678-5483

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

RETURN OF SERVICE

Service of the Summons and complaint was made by me⁽¹⁾

DATE 5/27/08

NAME OF SERVER (PRINT)

TITLE

INVESTIGATOR (Schmittinger & Rodriguez Law Firm)

Check one box below to indicate appropriate method of service

Served personally upon the defendant. Place where served:

OFFICE OF THE SEC. OF STATE

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

Kyle Pritchard

Returned unexecuted:

(Corp. Assistant)

Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on:

5/27/08

Date

Signature of Server

Harold K. Brade

414 S. State Street

Address of Server

Dover, Del 19901

302/678-5483

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DIANE M. JONES,

Plaintiff,

v.

CHARMING SHOPPES, INC.,
a Pennsylvania corporation;
CHARMING SHOPPES OF
DELAWARE, INC., a
Pennsylvania corporation;
and LANE BRYANT (DELAWARE)
CORPORATION, a Delaware
corporation,

Defendants.

C.A. No. 08-308

TRIAL BY JURY DEMANDED

TO: CHARMING SHOPPES, INC.
450 Winks Lane
Bensalem, Pennsylvania 19020

PLEASE TAKE NOTICE that the originals of the enclosed Civil Cover Sheet, Complaint and Summons were served upon the Secretary of State for the State of Delaware, on the 27th day of May A.D., 2008, pursuant to 10 Delaware Code 3104.

Service on the Secretary of State, pursuant to 10 Delaware Code 3104, is as effectual to all intents and purposes as if it had been made upon you personally within the State of Delaware.

SCHMITTINGER & RODRIGUEZ, P.A.

BY: 

NOEL E. PRIMOS, ESQUIRE
Bar I.D. #3124
414 S. State Street
P.O. Box 497
Dover, DE 19903
(302) 674-0140
Attorneys for Plaintiff

DATED: 5-28-08
NEP/wsm

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DIANE M. JONES,

Plaintiff,

v.

CHARMING SHOPPES, INC.,
a Pennsylvania corporation;
CHARMING SHOPPES OF
DELAWARE, INC., a
Pennsylvania corporation;
and LANE BRYANT (DELAWARE)
CORPORATION, a Delaware
corporation,

Defendants.

C.A. No. 08-308

TRIAL BY JURY DEMANDED

TO: CHARMING SHOPPES OF DELAWARE, INC.
450 Winks Lane
Bensalem, Pennsylvania 19020

PLEASE TAKE NOTICE that the originals of the enclosed Civil Cover Sheet, Complaint and Summons were served upon the Secretary of State for the State of Delaware, on the 27th day of May A.D., 2008, pursuant to 10 Delaware Code 3104.

Service on the Secretary of State, pursuant to 10 Delaware Code 3104, is as effectual to all intents and purposes as if it had been made upon you personally within the State of Delaware.

SCHMITTINGER & RODRIGUEZ, P.A.

BY: 

NOEL E. PRIMOS, ESQUIRE
Bar I.D. #3124
414 S. State Street
P.O. Box 497
Dover, DE 19903
(302) 674-0140
Attorneys for Plaintiff

DATED: 5-28-08
NEP/wsm

COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DIANE M. JONES,

Plaintiff,

v.

CHARMING SHOPPES, INC.,
a Pennsylvania corporation;
CHARMING SHOPPES OF
DELAWARE, INC., a
Pennsylvania corporation;
and LANE BRYANT (DELAWARE)
CORPORATION, a Delaware
corporation,

Defendants.

C.A. No. 08 - 308

TRIAL BY JURY DEMANDED

FILED
CLERK, U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2008 MAY 23 PM 2:41

COMPLAINT

1. Plaintiff Diane M. Jones is a resident of the State of Delaware, residing at 389 Frear Drive, Dover, Delaware 19901.

2. Defendant Charming Shoppes, Inc., is a Pennsylvania corporation whose principal place of business is located at 450 Winks Lane, Bensalem, Pennsylvania 19020.

3. Defendant Charming Shoppes of Delaware, Inc., is a Pennsylvania corporation whose principal place of business is located at 450 Winks Lane, Bensalem, Pennsylvania 19020.

4. Defendant Lane Bryant (Delaware) Corporation is a Delaware corporation whose registered agent for service of process is The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

5. At all times relevant to this Complaint, Defendants were employers within the State of Delaware.

6. Jurisdiction is conferred on this Court by 42 U.S.C. §2000e-5(f)(3), by 29 U.S.C. §621 *et seq.*, and by 28 U.S.C. §1343.

7. Venue for all causes of action stated herein lies in the District of Delaware, as the acts alleged as the bases for these claims took place within the boundaries of that District.

8. Plaintiff brings this action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e *et seq.*; under 42 U.S.C. §1981; and under the Age Discrimination in Employment Act, 29 U.S.C. §621 *et seq.*, to redress the wrongs done her by Defendants' discrimination against her on the basis of her race and age.

9. Plaintiff timely submitted a complaint of discrimination on the basis of race and age to the Delaware Department of Labor ("DDOL") and the Equal Employment Opportunity Commission ("EEOC").

10. Plaintiff has received a notice of right to sue for the above-referenced charge from the EEOC.

11. Plaintiff has timely filed this Complaint within ninety (90) days of her receipt of the notice of right to sue.

12. Plaintiff is an African-American female, and at all times relevant to this Complaint was over forty (40) years of age.

13. Plaintiff began her employment with Defendants on or about September 14, 1986.

14. At the time of her termination on August 8, 2006, Plaintiff was a store sales manager at the Concord Mall Store, and Plaintiff was 54 years of age.

15. At all times relevant to this Complaint, Plaintiff was qualified for her job position and satisfactorily performed all duties of her job position.

16. At all times relevant to this Complaint, Plaintiff was supervised by District Sales Manager Michele Hague, whose race is Caucasian, and who, at all times relevant to this Complaint, was under forty (40) years of age.

17. Defendants, through their agents, including Ms. Hague, subjected Plaintiff to a hostile work environment because of her race and age by, *inter alia*, making derogatory statements toward Plaintiff in front of her peers, making excessive store visits, and not providing Plaintiff with a compliance check list within the relevant time period.

18. Prior to the advent of Ms. Hague as District Sales Manager in early 2006, Plaintiff received numerous commendations and positive evaluations.

19. On or about August 8, 2006, Defendants terminated Plaintiff. The reason proffered for the termination, alleged performance issues, was pretextual.

20. Defendants replaced Plaintiff with a Caucasian female who was approximately 25 years old.

21. The actions of Defendants in harassing Plaintiff and terminating her were wrongful and discriminatory against Plaintiff on the basis of her race and age.

22. The wrongful acts committed by Defendants, as stated hereinabove, were wilful, wanton, and committed in bad faith.

23. As a direct result of the actions of Defendants, Plaintiff has suffered damages, including, but not limited to, severe emotional distress, pain and suffering, mental anguish, humiliation, and lost wages.

COUNT I -- TITLE VII

24. Plaintiff restates and incorporates by reference paragraphs 1 through 23 hereinabove.

25. By committing the aforementioned acts, Defendants have discriminated against Plaintiff on the basis of her race in violation of 42 U.S.C. §2000e, *et seq.*

26. As a direct result of the discriminatory conduct of Defendants, Plaintiff has suffered damages, including, but not limited to, physical and emotional injury, pain and suffering, mental anguish, humiliation, and lost wages.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, for:

- (a) Back pay, including interest;
- (b) Compensatory damages, including damages for emotional and physical pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and all other non-pecuniary damages;
- (c) Punitive damages;
- (d) Pre-judgment and post-judgment interest;
- (e) Attorney's fees and costs;
- (f) Reinstatement, if feasible, or, in the alternative, front pay; and
- (g) Any other relief that this Court deems just.

COUNT II -- 42 U.S.C. §1981

27. Plaintiff hereby restates and incorporates by reference paragraphs 1 through 25 hereinabove.

28. By committing the aforementioned acts, and specifically by discriminating against Plaintiff on the basis of her race, Defendants have violated 42 U.S.C. §1981.

29. As a direct result of the discriminatory conduct of Defendants, Plaintiff has suffered damages, including, but not limited to, physical and emotional injury, pain and suffering, mental anguish, humiliation, and lost wages.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, for:

- (a) Back pay, including interest;
- (b) Compensatory damages, including damages for emotional and physical pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and all other non-pecuniary damages;
- (c) Punitive damages;
- (d) Pre-judgment and post-judgment interest;
- (e) Attorney's fees;
- (f) Reinstatement, if feasible, or, in the alternative, front pay; and
- (g) Any other relief that this Court deems just.

COUNT III -- AGE DISCRIMINATION IN EMPLOYMENT ACT

30. Plaintiff hereby restates and incorporates by reference paragraphs 1 through 28 hereinabove.

31. The actions of Defendants as described in this Complaint represent discrimination against Plaintiff on the basis of her age in violation of 29 U.S.C. §621 *et seq.*

32. As a direct result of the discriminatory conduct of Defendants, Plaintiff has suffered damages, including, but not limited to, physical and emotional injury, pain and suffering, mental anguish, humiliation, and lost wages.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, for:

(a) Any and all damages available pursuant to 29 U.S.C. §621 *et seq.*, including, but not limited to, lost wages, salary, employment benefits, back pay, front pay, interest, liquidated damages, and any and all other available pecuniary damages.

(b) Compensatory damages;

(c) Punitive damages;

(d) Pre-judgment and post-judgment interest;

(e) Attorney's fees and costs;

(f) Reinstatement, if feasible; and

(g) Any other relief that this Court deems just.

SCHMITTLINGER & RODRIGUEZ, P.A.

BY: 

NOEL E. PRIMOS, ESQUIRE
Bar I.D. #3124
414 S. State Street
P.O. Box 497
Dover, DE 19901
(302) 674-0140
Attorneys for Plaintiff

DATED: 05-22-2008
NEP:pmw

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rule. The Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE)

I(a) PLAINTIFFS

Diane M. Jones

(b) County of Residence of First Listed Plaintiff

Kent

(EXCEPT IN U.S. PLAINTIFF CASES)

© Attorney's (Firm Name, Address, and Telephone Number)

Noel E. Primos, Esquire
Schmittinger & Rodriguez, P.A.
414 S. State Street, P.O. Box 497
Dover, DE 19901
(302) 674-0140

DEFENDANTS

Charming Shoppes, Inc., a Pennsylvania corporation
Charming Shoppes Of Delaware, Inc., a Pennsylvania Corporation; and Lane Bryant (Delaware) Corporation
a Delaware corporation

County of Residence of First Listed Plaintiff

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place and "X" in One Box for Plaintiff and One Box for Defendant)

- | | Plf | Def | | Plf | Def |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | | |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395 ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappoint <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banki <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influe <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Comur <input type="checkbox"/> 875 Customer Challe <input type="checkbox"/> 12 USC 3410 <input type="checkbox"/> 890 Other Statutory / <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabili <input type="checkbox"/> 893 Environmental h <input type="checkbox"/> 894 Energy Allocatic <input type="checkbox"/> 895 Freedom of Infor <input type="checkbox"/> 900 Appeal of Fee D <input type="checkbox"/> Under Equal Acc <input type="checkbox"/> To Justice <input type="checkbox"/> 950 Constitutionality <input type="checkbox"/> State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing / Accommodations <input type="checkbox"/> 445 Amer. W/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to Judge from Magistrat

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 2000e; 42 U.S.C. 1981; 29 U.S.C. 621

Brief description of cause: Plaintiff seeks damages for Defendants discriminatory conduct and breach of contract.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASES(S) IF ANY

(See instructions):

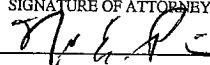
JUDGE

SIGNATURE OF ATTORNEY OF RECORD

DOCKET NUMBER

DATE

5-22-08



AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

Delaware

DIANE M. JONES,

SUMMONS IN A CIVIL CASE

Plaintiff,

CASE NUMBER: 08 - 308

v.

CHARMING SHOPPES, INC.,
a Pennsylvania corporation;
CHARMING SHOPPES OF
DELAWARE, INC., a
Pennsylvania corporation;
and LANE BRYANT (DELAWARE)
CORPORATION, a Delaware
corporation,

Defendants.

To: (Name & Address of Defendant)

Charming Shoppes, Inc.
c/o Secretary of State of the State of Delaware
401 Federal Street, Suite 3
Dover, DE 19901

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Noel E. Primos, Esquire
Bar ID #3124
Schmittinger & Rodriguez, P.A.
414 S. State Street
P.O. Box 497
Dover, DE 19903

an answer to the complaint which is served on you with this summons, with 20 days after service of this summons on you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

CLERK

DATE

5/23/08

[Signature]

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

Delaware

DIANE M. JONES,

SUMMONS IN A CIVIL CASE

Plaintiff,

CASE NUMBER: 08 - 308

v.

CHARMING SHOPPES, INC.,
a Pennsylvania corporation;
CHARMING SHOPPES OF
DELAWARE, INC., a
Pennsylvania corporation;
and LANE BRYANT (DELAWARE)
CORPORATION, a Delaware
corporation,

Defendants.

To: (Name & Address of Defendant)

Charming Shoppes of Delaware, Inc.
c/o Secretary of State of the State of Delaware
401 Federal Street, Suite 3
Dover, DE 19901

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Noel E. Primos, Esquire
Bar ID #3124
Schmittinger & Rodriguez, P.A.
414 S. State Street
P.O. Box 497
Dover, DE 19903

an answer to the complaint which is served on you with this summons, with 20 days after service of this summons on you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

CLERK

DATE

5/23/08

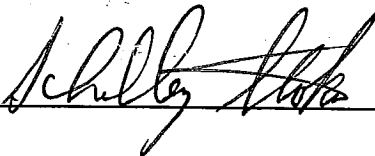
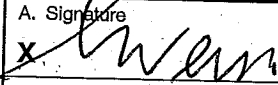
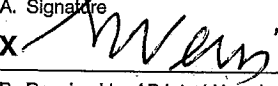


EXHIBIT C

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Charming Shoppe, Inc. 450 WINKS LN. Bensalem, PA 19020		B. Received by (Printed Name) STEVE WEISS	C. Date of Delivery
2. Article Number (Transfer from service label) BB 442 564 701 US		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Charming Shoppes of DE, Inc. 450 WINKS Lane Bensalem, PA 19020		B. Received by (Printed Name) STEVE WEISS	C. Date of Delivery
2. Article Number (Transfer from service label) BB 442 564 715 US		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

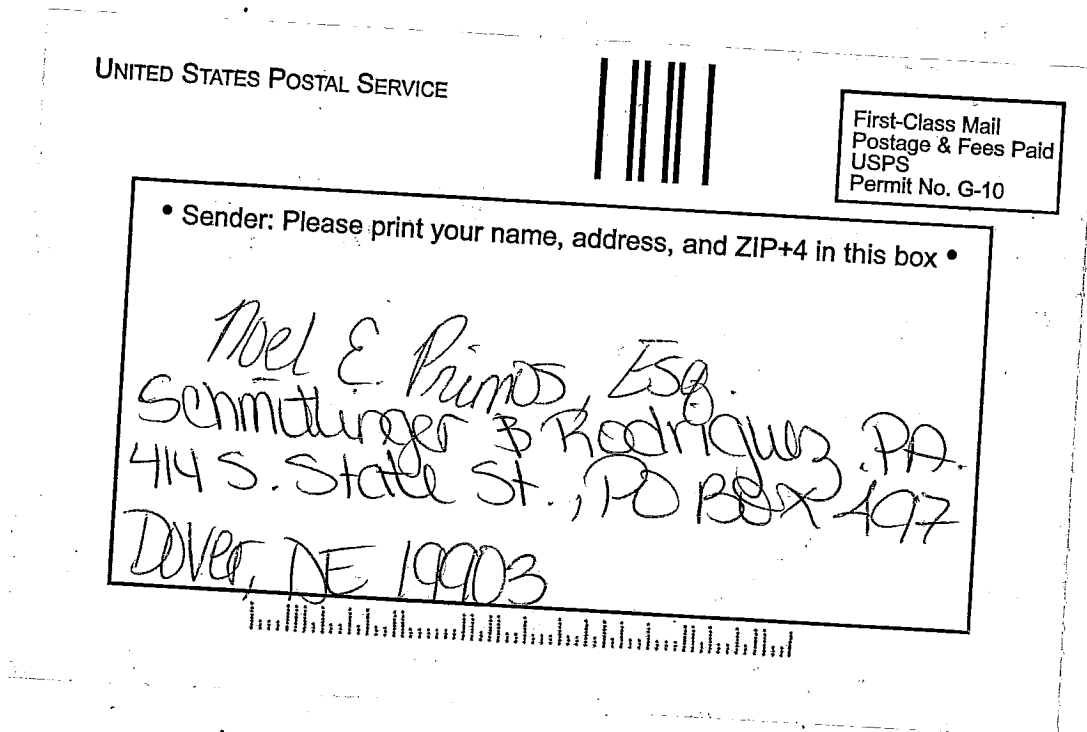
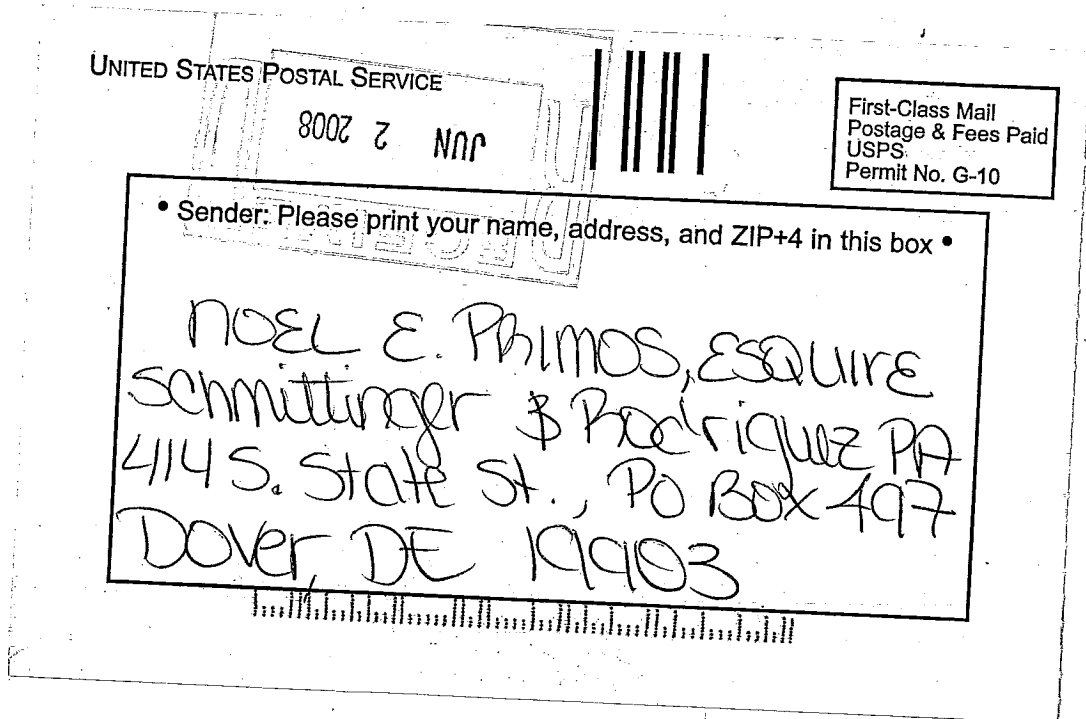


EXHIBIT D

Registered No. **BB 442 2564 701 US**

Date Stamp **DAANE JONES 0901 06-1004**

To Be Completed By Post Office	Reg. Fee	9.50	\$10.00
	Handling Charge	10.00	Return Receipt 2.15
	Postage	0.93	Restricted Delivery \$0.00
	Received by		
Customer Must Declare Full Value \$		12.50	<input checked="" type="checkbox"/> With Postal Insurance <input type="checkbox"/> Without Postal Insurance

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To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	19901 NOEL E. PRIMOS, Esquire Schmittinger & Rodriguez PA 414 S. State Street PO Box 407 Dover, DE 19903
	TO	CHARMING Shoppes, INC 4 BENSALLEN LANE Bensalem, Pennsylvania 19020

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	Handling Charge	10.00	Return Receipt 2.15
	Postage	0.93	Restricted Delivery \$0.00
	Received by		\$2.20
Customer Must Declare Full Value \$		12.50	<input checked="" type="checkbox"/> With Postal Insurance <input type="checkbox"/> Without Postal Insurance

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To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	19901 NOEL E. PRIMOS, Esquire Schmittinger & Rodriguez PA 414 S. State Street PO Box 407 Dover, DE 19903
	TO	CHARMING Shoppes of DE, Inc 450 WIPAKS LANE Bensalem, PA 19020

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